

of a subgroup, Applicant's response would be fully responsive to the outstanding Office communication.

Applicants hereby elect, with traverse, to prosecute subgroup VI-6, drawn to the vaccine wherein the virus encodes a heterologous gene.

SUPPORT FOR THE CLAIM AMENDMENTS OF APRIL 4, 2003

In the Office communication of April 21, 2003, it is further alleged that the claim language "a sequence heterologous to that of native RSV comprises at least one genetic modification compared to the native RSV sequence" does not enjoy written description support. Applicants respectfully disagree because the specification as originally filed defines a heterologous sequence as a sequence that is modified compared to the wild type sequence.

Support for the definition of "heterologous sequence" consistent with the pending claims can be found in the specification as originally filed at page 32, line 29 to page 33, line 15. In particular, see the sentence starting at page 32, line 29: "The establishment of a rescue system for native, *i.e.*, 'wild-type' RSV strain A2 allows modifications to be introduced into the cDNA copy of the RSV genome to construct chimeric RSV containing sequences heterologous in some manner to that of native RSV . . ." Such modifications, as set forth in the same paragraph of the specification, can be gross (*e.g.*, translocation) or minor (*e.g.*, single or multiple nucleotide substitutions) genetic alterations. Clearly, the term "heterologous sequence" also encompasses sequences that differ from wild-type RSV sequences by those genetic modifications.

In view of the above, Applicants respectfully request entry of the above remarks and examination of claims 25-37.

No fee is believed to be required for this response. However, should any fee be due, please charge the required amount to Pennie & Edmonds LLP Deposit Account No. 16-1150

Respectfully submitted,

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Date: June 23, 2003

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